

TECHNICAL MEMORANDUM

Utah Coal Regulatory Program

August 12, 2008

TO: Internal File

THRU: Steve Christensen, Environmental Scientist III SKL

FROM: Priscilla Burton, CPSSc, Environmental Scientist III pb by sus

RE: Mid Term Review, Consol Energy Company, Emery Deep Mine, C0150015, Task # 2975

SUMMARY:

On May 20, 2008, the Division sent a letter to the Permittee about the midterm review. The review is to take place at the midpoint of the permit term, which is July 7, 2008

An AVS check was conducted for Consolidation Coal Co., entity number 107373 and for its parent company, Consol Energy Inc., entity number 124819. On August 14, 2008 there were no records of violations in the system for these entities.

My administrative review finds the following issues with the Mining and Reclamation Plan on file with the Division:

R645-301-112, The merger of IC Coal Inc. and Consolidation Coal Co. occurred on 8/30/2005 and is reflected in the organizational chart provided in the 2005 Annual Report. The 2007 Annual Report provides further changes to Officers and Directors and reflects 100% ownership of Consolidation Coal Co. by Consol Energy Inc. MRP Appendix 1-1 should be updated with the most current information.

R645-301-420, The most recent DAQ Approval Order included in App. A.-C-2 is DAQE-AN0229002-02, dated August 5, 2002. The Division is aware that modifications to the AO have been made since that time. Please provide the current Air Quality Approval Order for inclusion in Appendix A-C-2.

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R645-301-240 and R645-301-340 and R645-301-121.100, A revised re-vegetation plan was to have been submitted with the 2007 Annual Report and has not yet been received. The Permittee should revise the MRP Chap. III, page 4a to provide documentation of progress made towards achieving the commitments described on Chapter III, page 4a of the MRP and to describe the ensuing, revised reclamation plan.

TECHNICAL ANALYSIS:

GENERAL CONTENTS

IDENTIFICATION OF INTERESTS

Regulatory Reference: 30 CFR 773.22; 30 CFR 778.13; R645-301-112

Analysis:

The merger of IC Coal Inc. and Consolidation Coal Co. occurred on 8/30/2005 and is reflected in the organizational chart provided in the 2005 Annual Report. The 2007 Annual Report provides changes to officers, with start dates, and indicates that Consolidation Coal Co is 100% owned by Consol Energy Inc. MRP Appendix 1-1 must be updated with the most current information.

Findings:

R645-301-112, The merger of IC Coal Inc. and Consolidation Coal Co. occurred on 8/30/2005 and is reflected in the organizational chart provided in the 2005 Annual Report. The 2007 Annual Report provides further changes to Officers and Directors and reflects 100% ownership of Consolidation Coal Co. by Consol Energy Inc. MRP Appendix 1-1 should be updated with the most current information.

OPERATION PLAN

AIR POLLUTION CONTROL PLAN

Regulatory Reference: 30 CFR 784.26, 817.95; R645-301-244, -301-420.

Analysis:

The facility will include a screening/crusher building, and a 10,000 ton processed coal stockpile along with associated conveyors. The facility will handle a capacity of approximately 1,300,000 tons of coal per year (page 17b, Chapter II).

MRP Appendix X.C-2 contains the Air Quality Approval Order (AO) DAQE-117-95 from the Division of Air Quality dated August 5, 2002. The AO itemizes following at the 4th East portal site.

- The production limit of 1,300,000 tons/yr should not be exceeded
- The ROM surge pile may contain 1500 tons maximum.
- The maximum time period of operation for the 425 hp diesel generator should be 300 hours of operation /12 mo period (using #2 diesel fuel oil).
- Visible emissions from conveyor transfer points should not exceed 10% opacity and emissions from all other sources should not exceed 20% opacity. Observations of opacity are to be made in accordance with 40 CFR 60.11 (b) and 40 CFR 60, Appendix A, Method 9.

Two opacity readings of the conveyor transfer points were taken by the Permittee for the abatement of N03-39-1-1 (two separate occasions in June and July of 2003). Fugitive dust from the coal pile itself was not evaluated. At the time of the readings, the wind was between 0 – 2 nauts and there was no exceedence of the opacity requirement. Chapter II, page 25 includes a statement that “opacity readings will be conducted as required by the modified approval order.” The air quality approval order specifies 20% or less opacity at the facility. The AO requires that a certified individual take the opacity readings

The Permittee will designate an individual who will be certified in Method 9, stationed at the Emery Mine, to be responsible for on-going monitoring of opacity. Continual monitoring of opacity in concert with soil surface evaluations will be the means of measuring success of the dust control strategy (pg 5b, Chap X-C.)

The Permittee submitted a Notice of Intent (NOI) to modify the AO dated November 5, 2003 to the DAQ. (A copy was received by the Division on November 6, 2003). The DAQ has evaluated the new crusher installation and requested further information on the dust control plan

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(meeting between DOGM and DAQ 12/04/2003). No further information is available concerning communications between DAQ and the permittee.

Findings:

R645-301-420, The most recent DAQ Approval Order included in App. A.-C-2 is DAQE-AN0229002-02, dated August 5, 2002 . The Division is aware that modifications to the AO have been made since that time. Please provide the current Air Quality Approval Order for inclusion in Appendix A-C-2.

VEGETATION

Regulatory Reference: R645-301-330, -301-331, -301-332.

Analysis:

As described on page 4a of Chapter III, the Permittee has agreed to follow a four-phase evaluation of final revegetation plans. In phase 1, the Permittee will investigate and summarize past reclamation sites and practices at the Emery Deep and Hidden Valley Mines. In phase 2, based on those investigations, and in consultation with the Division, the permittee will implement the best techniques demonstrated to be successful. In phase 3, the applied techniques will be evaluated qualitatively annually and quantitatively between the 4th and 6th year. These evaluations will be correlated to precipitation data results obtained from an on-site weather station and incorporated into the annual report. In Phase 4, the Permittee will revise the MRP to include the best technology for final revegetation. A full scope of work for this four-phased evaluation will be submitted to the Division by the end of March 2003, but was deferred until 2007 (Chapter III, Page 4a).

Findings:

R645-301-240 and R645-301-340 and R645-301-121.100, A revised re-vegetation plan was to have been submitted with the 2007 Annual Report and has not yet been received. The Permittee should revise the MRP Chap. III, page 4a to provide documentation of progress made towards achieving the commitments described on Chapter III, page 4a of the MRP and to describe the ensuing, revised reclamation plan.

RECOMMENDATIONS:

The application is not recommended for incorporation into the Mining and Reclamation Plan.

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